

Serial No. 10/588,107

IN THE DRAWINGS:

Please replace Figs. 13 and 14 with the figures on the attached replacement sheets.

REMARKS

Claims 1-18, as amended, remain herein. Claims 9, 10 and 12-18 are presently withdrawn from consideration. Support for the amendments to the claims may be found, for example, in Figs. 1(a), 2(a), 2(c), 3(a), 4(a), and the corresponding descriptions in the specification.

1. The Figures and specification are amended, mooted the objections thereto.
2. Claims 1-8 were rejected under 35 U.S.C. § 102(b) over Popovich U.S. Patent 6,185,016. However, Popovich fails to disclose a diffraction part that receives lights having different incident angles and outputs a coaxial beam comprising said lights, as recited in applicants' amended claim 1. To the contrary, Popovich discloses a plurality of coaxial lights that enter a series of holographic devices 26, 28, 30 and remain separate coaxial lights upon exiting the holographic devices. In Popovich, the holographic devices do not combine lights having different incident angles into a single coaxial beam. Rather they pass or block light from an LED array 24.

Since Popovich fails to disclose every element of applicants' claim 1, Popovich is an inadequate basis for rejecting claims 1-8 under 35 U.S.C. § 102(b). Applicants' respectfully request reconsideration and withdrawal of the rejection.

3. Claims 1-4 and 7 were rejected under 35 U.S.C. § 102(e) over Komma U.S. Patent 6,928,035. However, Komma fails to disclose a diffraction part that receives lights

having different incident angles and outputs a coaxial beam comprising said lights, as recited in applicants' amended claim 1. To the contrary, in Komma multiple lights contact the diffraction element 4, but they do not exit coaxially after being diffracted. Since Komma fails to disclose every element of applicants' claim 1, Komma is an inadequate basis for rejecting claims 1-4 and 7 under 35 U.S.C. § 102(e). Reconsideration and withdrawal of the rejection are respectfully requested.

4. Claim 11 was rejected under 35 U.S.C. § 103(a) over Popovich. For the reasons stated above, Popovich fails to disclose every element of applicants' claim 1, upon which claim 11 depends. Nor would it have been obvious to one of ordinary skill in this art to modify Popovich to provide every limitation of applicants' claim 1. The holographic elements 26, 28 and 30 in Popovich are turned on and off to allow light to pass through. The diffraction part recited in applicants' claim 1 has a different purpose. It changes the path of a plurality of lights so that they are a coaxial beam upon exiting the diffraction part. Nothing in Popovich or any other prior art of record contains any disclosure that would have motivated one of ordinary skill in this art to modify Popovich to provide such a diffraction part.


For the foregoing reasons, Popovich is an inadequate basis for rejecting claim 11 under 35 U.S.C. § 103(a). Applicants respectfully request reconsideration and withdrawal of the rejection.

For the foregoing reasons, all claims 1-8 and 11 are now fully in condition for allowance, and notice to that effect is respectfully requested. The PTO is hereby authorized to charge/credit

any fee deficiencies or overpayments to Deposit Account No. 19-4293. If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicants' undersigned attorney at the number listed below.

Respectfully submitted,

STEPTOE & JOHNSON LLP



Roger W. Parkhurst
Reg. No. 25,177
Adam C. Ellsworth
Reg. No. 55,152

Date: April 1, 2009

STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Tel: 202-429-3000
Fax: 202-429-3902

Attorney Docket No. 28951.1182